

HOUSE BILL 2340

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 68, Chapter 201, relative to
the air pollution control board.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-201-104, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) Effective July 1, 2020, the existing membership of the air pollution control board is vacated and reconstituted in accordance with this section.

(b)

(1) There is created an agency to be known as the air pollution control board.

(2) The members of the board are the commissioner of environment and conservation, the commissioner of economic and community development, and twelve (12) other members who are appointed as follows:

(A) The governor shall appoint:

(i) One (1) registered professional engineer as defined in title 62, chapter 2, who must have at least five (5) years' experience in the field of air pollution control;

(ii) One (1) physician licensed in compliance with title 63, chapter 6, who must be experienced in the health effects of air contaminants;

(iii) One (1) person engaged in a field that is directly related to agriculture or conservation; and

(iv)

(a) One (1) person actively engaged in the management of and with current full-time employment in a private manufacturing concern, who possesses a college degree and eight (8) years' of combined technical training and experience in permit compliance for Title 5 or non-Title 5 sources for a manufacturing facility permitted in the state of Tennessee;

(b) The person described in subdivision

(b)(2)(A)(iv)(a) may be appointed from lists of qualified persons submitted by interested manufacturing groups, including, but not limited to, the Tennessee Chamber of Commerce and Industry;

(B) The speaker of the house of representatives shall appoint:

(i) One (1) county mayor or chief executive officer of a Tennessee county who may be appointed from lists of qualified persons submitted by interested county services groups, including, but not limited to, the Tennessee county services association;

(ii) One (1) person engaged in municipal government who may be appointed from lists of qualified persons submitted by interested municipal groups, including, but not limited to, the Tennessee Municipal League; and

(iii)

(a) Two (2) persons from Tennessee industry who are employed full-time at the time of their appointments with a private manufacturing concern and who possess a

college degree in engineering or a similar course of study. Such persons must also possess eight (8) years of combined technical training and experience in air pollution abatement for either a Title 5 permit holder or a non-Title 5 permitted source in the state of Tennessee;

(b) The persons described in subdivision (b)(2)(B)(iii)(a) may be appointed from lists of qualified persons submitted by interested manufacturing groups, including, but not limited to, the Tennessee Chamber of Commerce and Industry; and

(C) The speaker of the senate shall appoint:

(i) One (1) person involved in the program of a higher education institution in this state that conducts training in air pollution evaluation and control;

(ii) One (1) person who may be appointed from lists of nominees submitted to the speaker by interested conservation groups, including, but not limited to, the Tennessee Conservation League;

(iii) One (1) person who is a small generator of air pollution and who may be appointed from lists of qualified persons submitted by interested automotive groups, including, but not limited to, the Tennessee Automotive Association; and

(iv) One (1) person who may be appointed from lists of qualified persons submitted by interested environmental groups,

including, but not limited to, the Tennessee Environmental Council.

(3) The respective appointing authorities shall consult with interested groups, including, but not limited to, the organizations listed in subdivision (b)(2) to determine qualified persons to fill positions on the board.

(4) In order to stagger the terms of the newly appointed board members:

(A) The persons appointed under subdivision (b)(2)(A) serve initial terms of one (1) year, which expire on June 30, 2021;

(B) The persons appointed under subdivision (b)(2)(B) serve initial terms of two (2) years, which expire on June 30, 2022; and

(C) The persons appointed under subdivision (b)(2)(C) serve initial terms of three (3) years, which expire on June 30, 2023.

(5) Following the initial terms, all appointed members of the board serve terms of four (4) years.

(6) In making appointments to the board, the appointing authorities shall strive to ensure that the board is composed of persons who are diverse in professional or educational background, ethnicity, race, age, sex, geographic residency, heritage, perspective, and experience.

(7) In the event of a vacancy for an appointed member of the board, the respective appointing authority shall fill the vacancy for the unexpired term in accordance with § 68-201-105. Each appointee shall serve until a successor is duly appointed and qualified. An appointing authority may remove any appointed member for cause.

(8) Each member is reimbursed for travel in accordance with the comprehensive travel regulations as approved by the attorney general and

reporter and the commissioner of finance and administration. A per diem allowance of fifty dollars (\$50.00) shall only be paid to members for meetings at which a quorum is present.

SECTION 2. Tennessee Code Annotated, Section 68-201-119, is amended by adding the following new subsection:

(e) Notwithstanding any provision of this section, part, or rule to the contrary, the board has no authority to:

(1) Delay or cause to be delayed the state implementation plan as approved by the environmental protection agency; or

(2) Impose or collect any fee associated with the administration of any vehicle inspection and maintenance program in this state.

SECTION 3. For the purpose of making appointments, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.